

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appl. of: Jonathan W. Nyce : Group Art Unit: 1643  
Serial No.: 09/093,972 : Appl. Ref. No. EPI-072  
Filed: June 9, 1998 : Examiner: Janet Epps  
For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &  
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH  
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

**TERMINAL DISCLAIMER**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir/Madam:

I, Richard R. Eakin, represent that I am a representative authorized to sign on behalf of the assignee for this invention, East Carolina University.

The extent of the assignee's interest is in the whole of this invention, by virtue of the assignment of US Patent Application Serial No. 09/093,972, filed June 9, 1998, by the present inventor to East Carolina University. The Assignment document is being filed herewith, a copy of the Assignment being enclosed herewith.

I have reviewed this Assignment document, and to the best of my knowledge and belief, title to US Patent Application Serial Number 09/093,972 and US Patent Applications Serial Numbers 08/474,497, 08/472,527 and 08/757,024, now U.S. Patent Nos. 5,994,315; 6,040,296 and 6,025,339, is in East Carolina University.

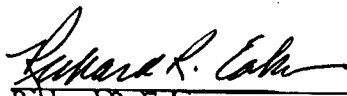
I hereby disclaim the terminal part of any patent granted on the above-identified US Patent Application Serial No. 09/093,972, which would extend beyond the expiration date of the full statutory term, whichever is longest of 20 years from the filing date of the earlier filed application, or 17 years from the date of issuance of, or the expiration date of any Patent Extension Term granted to, or any US Patent which issues from US Patent Applications Serial Nos. 08/757,024, now U.S. Patent No. 6,025,339, 08/474,497, now U.S. Patent No. 5,994,315 and 08/472,527, now U.S. Patent Application Serial No. 6,040,296, relating to the same invention. I hereby agree that any patent so granted shall be enforceable only for and during

73999/95804

PATENT

such period that the legal title to the patent shall be the same as the legal title to US Patent Application Serial No. 08/474,497, now U.S. Patent No. 5,994,315; US Patent Application Serial No. 08/757,024, now U.S. Patent No. 6,025,339 and US Patent Application Serial No. 08/472,527, now U.S. Patent No. 6,040,296. This agreement is to run with any patent granted on the above-identified application and is binding on the grantee of that patent and his successors or assigns.

Enclosed is a check on ARTER & HADDEN LLP's bank account for \$ 55.-, to cover the requisite fee for filing a Statutory Terminal Disclaimer. No further fee is beleived to be owed. However, the Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **01-2520** of any deficiency in fees associated with this communication, including any fees for extensions of time, which, if necessary, are hereby requested.

 /s/  
Richard R. Eakin  
Chancellor Title  
East Carolina University  
(Disclaimant)

h:\epi\072\Terminal Disclaimer.doc  
400129